

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

PRESIDENT DONALD J. TRUMP, 45th President
of the United States of America, in his individual
capacity,

Plaintiff,

v.

SIMON & SCHUSTER, INC., a New York
corporation, ROBERT WOODWARD p.k.a. BOB
WOODWARD, an individual, and PARAMOUNT
GLOBAL, a Delaware corporation, f/k/a Viacom
Inc., successor by merger to CBS Corporation, a
Pennsylvania corporation f/k/a Westinghouse
Electric Corporation,

Defendants.

3:23-cv-02333-RV-ZCB

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AND
OPPOSE MOTIONS TO DISMISS AND EXTENSION OF WORD LIMIT**

Defendants Robert Woodward, Simon & Schuster, Inc. and Paramount Global (collectively, “Defendants”) respectfully submit this unopposed motion seeking the following relief: (1) leave to file two motions to dismiss the Amended Complaint in the above captioned action (Dkt. 32), the first for improper venue and/or transfer for convenience of the parties pursuant to Rule 12(b)(3) (the “Venue Motion”) and the second for failure to state a claim pursuant to Rule 12(b)(6) (the “Rule 12(b)(6) Motion”) (collectively, the “Motions”); (2) an order setting a briefing schedule for

the Motions and (3) an extension of the default word limit for the memoranda of law submitted in support of and opposition to the Rule 12(b)(6) Motion (with a corresponding reduction of the word limit for the Venue Motion).

Defendants previously moved to dismiss the original Complaint filed in this action and, in connection with those motions, this Court granted their requests to (1) file two Motions, (2) set a briefing schedule and (3) for identical extensions of the word limits for the Motions. *See* Dkt. 22. On April 26, 2023, pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 7.1(B), counsel for Defendants participated in a meet and confer with counsel for President Trump. Among the issues discussed during that conference were Defendants' intent to (1) file two Motions, (2) seek an order from the Court setting a briefing schedule for the Motions and (3) seek an expansion of the word limit for the Rule 12(b)(6) Motion only. Counsel for President Trump agreed to the following proposals:

- 1) **Proposed Filing of Two Motions.** Defendants intend to raise two completely distinct grounds for dismissal in their Motions – *i.e.*, (1) improper venue and/or transfer of the action for the convenience of the parties and (2) failure to state a claim – and the parties agree that judicial economy would be served by permitting those Motions to be briefed separately. If two Motions are filed, the Court may first address the relatively straightforward procedural issue of whether this District is a

proper venue and (if appropriate) dismiss or transfer the action without engaging judicial resources on reviewing the many substantive arguments raised in the Rule 12(b)(6) Motion. To that end, Defendants respectfully request leave to file two motions: a Venue Motion with a word-limit of 4,000 words for the memoranda of law in support of and opposition thereto, and a Rule 12(b)(6) Motion subject to the extended word-limit requested below.

- 2) **Proposed Briefing Schedule for the Motions.** Defendants are currently due to file their Motions on or before May 8, 2023. Under the applicable Local Rule, President Trump would have fourteen (14) days after service to submit his opposition papers – *i.e.*, up to and including May 22, 2023. Given the fact that Defendants intend to file two Motions and the fact that the Complaint includes nine counts, including copyright claims and multiple state law claims, the parties agree that Defendants’ deadline to file their Motions up to and including May 19, 2023, and President Trump’s deadline to oppose the Motions should be extended up to and including June 16, 2023.¹

¹ Depending on the nature of President Trump’s opposition papers, Defendants reserve the right to move at a later date for leave to file reply briefs in further support of one or both of their Motions.

3) **Proposed Word Limit Extension for Rule 12(b)(6) Motion.** The parties respectfully request a 2,000 word extension to the default 8,000 word limit for their respective memoranda of law in support of and opposition to the Rule 12(b)(6) Motion – *i.e.*, 10,000 words for each memorandum of law, exclusive of portions of the brief that can be deducted pursuant to Local Rule 7.1(F). Defendants submit that this extension is necessary, for the parties to adequately brief the nine causes of action raised in the Amended Complaint, which raise important legal issues deemed important by Defendants.

For the reasons set forth above, Defendants respectfully submit this unopposed motion seeking an order granting their request for (1) leave to file a Venue Motion with memoranda of law in support and opposition of no more than 4,000 words, (2) an extension of Defendants' time to file their Motions up to and including May 19, 2023 and President Trump's time to oppose the Motions up to and including June 16, 2023 and (3) an extension of the word limit for the parties respective memoranda of law in support of and opposition to the Rule 12(b)(6) Motion be expanded to 10,000 words, exclusive of portions of the brief that can be deducted pursuant to Local Rule 7.1(F) and any other relief the Court deems appropriate.

Dated: May 2, 2023

DAVIS WRIGHT TREMAINE LLP

/s/ Elizabeth A. McNamara

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